

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDYA, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 5965 of 2007()

[CRIME NO.224/2007 OF ERUMAPETTY POLICE STATION]

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: PETITIONER/2ND ACCUSED

PONNUTTAN @ PRASAD, AGED 29 YEARS,
S/O. CHANGAN, NEDINIPUNJAYIL HOUSE,
KADANGODE, ERUMAPETTY.

BY ADV. SRI.C.PRABIN BENNY

RESPONDENTS: COMPLAINANT

S.I. OF POLICE,
ERUMAPETTY POLICE STATION, REPRESENTED BY
GOVERNMENT PLEADER, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
A/W BA NO.6203/07 ON 08/10/2007, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.Nos.5965 & 6203 of 2007

Dated this the 8th day of October 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 1 and 2. They face allegations in a crime registered for offences punishable inter alia under Sections 452 and 354 I.P.C. The alleged incident took place on 8/8/07. The gravamen of the allegations is that the petitioners went to the house of the de facto complainant along with others and demanded water. She refused. She and her daughters were allegedly assaulted. Indecent assault of the female victims is also alleged. Crime was registered. Investigation is in progress. Apprehending arrest, the petitioners have come to this court.

2. Notice was given. The learned Public Prosecutor, after taking instructions, submits that the investigation is already complete and the final report has already been filed. The petitioners may be directed to surrender before the learned Magistrate and seek regular bail in the ordinary course, submits the learned Public Prosecutor.

3. I have considered all the relevant inputs. I find merit in the opposition by the learned Public Prosecutor. This, I am satisfied, is a fit case where the petitioner must be directed to surrender before the learned Magistrate and seek regular bail in the ordinary course. Final report having already been filed, I find no exceptional reason to invoke the extraordinary equitable discretion under Section 438 Cr.P.C.

4. In the result, this bail application is dismissed but with the specific observation that if the petitioners surrender before the learned Magistrate and apply for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007